APPENDIX L

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION SECTION 401 WATER OBSTRUCTION AND ENCROACHMENT
March 29, 2000

Pennsylvania Department of Environmental Protection

230 Chestnut Street
Meadville, PA 16335-3481

MAR 29 2000

Northwest Regional Office

814-332-6942
Fax: 814-332-6121

CERTIFIED MAIL NO. Z 334 506 215

David C. Pentzien, Chairman
Millennium Pipeline Company, L.P.
P.O. Box 2002
265 Industrial Park Drive
Binghamton, NY 13902-2002

Re: Water Obstruction & Encroachment Permit
Millennium Pipeline Company, L.P.
DEP File No. E25-594
Millennium Pipeline Across Lake Erie

Dear Mr. Pentzien:

Enclosed are duplicate copies of your State Water Obstruction and Encroachment Permit. Please review the permit so that you are aware of the extent of authorization and the conditions that apply. Please sign both copies of the permit, return one copy to this office and keep one copy for your records. The Department will provide you with an acknowledgment letter upon receipt of the fully signed permit. **The permit is not effective until the Department receives a signed copy of the permit. Any work conducted prior to the Department's receipt of the signed permit is a violation of the Dam Safety and Encroachments Act, the Clean Streams Law, and the Federal Clean Water Act, and you may be subject to fines and penalties pursuant to those Acts.**

Please be advised that you do not have Federal authorization for this project and such authorization is required prior to starting work. In accordance with procedures established with the U.S. Army Corps of Engineers, you will be contacted directly by the Corps regarding Federal authorization.

Prior to the commencement of construction, the enclosed Acknowledgement of Appraisal of Permit Conditions must be completed and signed by you and an individual responsible for the supervision or conduct of the construction work. Unless the signed copy of this form is submitted to this office, the permit is void.

The Completion Report indicating that the work has been completed as approved must be submitted to this office within 30 days of the completion of the project.

A signed copy of both the Permit and the Acknowledgment of Appraisal of Permit Conditions must be available at the work site for inspection upon request by any officer or agent of the Department or any other federal, state, county and municipal agency.

Sincerely,

for David E. Milhous, P.E.
Regional Manager
Water Management

Enclosures

cc: COE, Pittsburgh (w/ copy of permit)
Northwest Region PA FBC (w/ copy of permit)
Erie County Conservation District (w/ copy of permit)
File
L. Toth, DEP-CZM
R. Thompson
K. Gross
S. Taylor

DEM:KMG:jb

Permit No.: E25-594

COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Protection
Water Management Northwest Region

ACKNOWLEDGMENT OF APPRISAL OF PERMIT CONDITIONS

Project Location:

County: In Lake Erie off Erie

Township: _____

Gentlemen:

Acknowledgment is made that I, David C. Pentzien and
(Permittee Name)
Richard E. Hall, Jr; PO Box 2002, Binghamton, NY 13902; 607.773.9116
(Name, Address and Telephone of Individual Responsible for Supervision of Work)
have

been apprised of and are familiar with the terms and conditions of Permit No. E25-594

issued to Millennium Pipeline Company, L.P. giving its consent
(Permittee)
to See attached
(Work Authorized as Stated on Permit)

Return To: Department of Environmental Protection
Water Management - Soils and Waterways
230 Chestnut Street
Meadville, PA 16335

(Permittee Signature) 4/3/2000 (Date)

(Signature of Individual Responsible for Supervision of Work) 4/3/00 (Date)

Construct and maintain a 36 inch-diameter concrete weighted steel natural gas pipeline on the bed of Lake Erie entering Pennsylvania at the border of the United States of America and Canada (Latitude 42 degrees, 21 minutes, 18 seconds; Longitude 80 degrees, 20 minutes, 0 seconds) approximately 22 miles north of the shore at the mouth of Elk Creek and extending eastward a distance of 30.07 miles (158,790 feet), exiting Pennsylvania at the Pennsylvania/New York state line (Latitude 42 degrees, 18 minutes, 15 seconds; Longitude 79 degrees, 45 minutes, 44 seconds) approximately 2.4 miles north of the shore at the Pennsylvania/New York state line.

Permit No. _____

COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Protection
Water Management Northwest Region

WATER OBSTRUCTION AND ENCROACHMENT PERMIT COMPLETION REPORT

Project Location:

County _____

Township _____

Gentlemen:

I(We) hereby certify that the _____
(Work authorized by permit)
_____
_____
_____
_____
_____

was completed on _____, in accordance with the plans approved and that all unauthorized obstructions have been removed.

Name: _____
(Typed or Printed)

Signature: _____

Title: _____

Firm: _____

Date: _____

Return To: Department of Environmental Protection
Water Management - Soils & Waterways
230 Chestnut Street
Meadville, PA 16335-3481

Permit No. E25-594

Commonwealth of Pennsylvania
Department of Environmental Protection
Northwest Regional Office
Water Management Program - Soils & Waterways Section

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection ("Department"), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851 (32 P.S. §§679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as "The Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

Millennium Pipeline Company, L.P.
P.O. Box 2002
265 Industrial Park Drive
Binghamton, NY 13902-2002

giving its consent to **construct and maintain a 36-inch-diameter concrete weighted steel natural gas pipeline on the bed of Lake Erie entering Pennsylvania at the border of the United States of America and Canada (Latitude 42 degrees, 21 minutes, 18 seconds; Longitude 80 degrees, 20 minutes, 0 seconds) approximately 22 miles north of the shore at the mouth of Elk Creek and extending eastward a distance of 30.07 miles (158,790 feet), exiting Pennsylvania at the Pennsylvania/New York state line (Latitude 42 degrees, 18 minutes, 15 seconds; Longitude 79 degrees, 45 minutes, 44 seconds) approximately 2.4 miles north of the shore at the Pennsylvania/New York state line.**

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

This permit is issued in response to an application filed with the Department of Environmental Protection on August 23, 1999, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application on August 23, September 3, October 28 and December 29, 1999, and January 7, January 12 and February 9, 2000 subject, however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, The Clean Streams Law, the Administrative Code, the Rules & Regulations promulgated thereunder and the following conditions and restrictions. **If the work authorized by this permit is not completed on or before December 31, 2002, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.**

1. The permittee shall sign this permit thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return a signed copy of this permit to the Department. This permit will not be effective until the signed copy is received by the Department;

2. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings;

3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary;

4. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby;

5. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of the Department and term and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department;

6. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department;

7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction;

8. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department of Environmental Protection, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice, remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration;

9. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction;

10. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition;

11. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of the Department or another Federal, State, County, or municipal agency;

12. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles, and specifications;

13. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application of Transfer of Permit" form;

14. If and when the permittee desires to discontinue use or abandon the activity authorized herein, he must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department;

15. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620, telephone 814-359-5140;

16. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water;

17. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northwest Region office at 814-337-0444;

18. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Erie County Conservation District at 814-796-6760;

19. **Work may not commence until a signed copy of this permit is received by the Department.** Any work authorized by this permit conducted prior to the Department's receipt of a signed copy of this permit is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.

20. SPECIAL CONDITIONS

A. All trenching activities are to be monitored in accordance with the attached "Lake Erie Crossing Project, Monitoring Plan for Pennsylvania Waters."

B. Prior to beginning work in Pennsylvania waters, the permittee shall notify all public water supplies or other water-related activities that may be affected by increases in turbidity or other water quality changes caused by the authorized work. This notification shall be made far enough in advance of beginning work to allow for preparation for any changes in water quality.

C. The permittee shall implement the Preparedness, Prevention and Contingency Plan (PPC Plan), "The Eastern Great Lakes Area Contingency Plan, Volume 1" which requires the permittee to notify, among others, the Department's Northwest Region Office at 814-332-6945 of any spill events.

D. Litter, refuse and sanitary waste from vessels or other floating craft or offshore operations shall be disposed of on shore at an appropriate disposal facility. The permittee shall employ measures to prevent spills of fuels and lubricants. Bilge, ballast or wastewater pumped from vessels or other floating craft will not be discharged into Lake Erie. If a spill occurs, it will be controlled to prevent its entry into the lake. Spillage of these materials is to be prevented by appropriate control and supervision as directed in the Preparedness, Prevention and Contingency Plan (PPC Plan).

E. Issuance of this permit does not relieve the permittee of the responsibility to obtain any applicable permit or approval from the District Engineer, Pittsburgh District, U.S. Army Corps of Engineers.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

Permittee (signature) — Date: 4/3/2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

David E. Milhous, P.E.
Regional Manager
Water Management

Date: MAR 2 9 2000

LAKE ERIE CROSSING PROJECT

Monitoring Plan for Pennsylvania Waters

Introduction

This monitoring plan (Plan) will be implemented during all construction activities in Lake Erie. This Plan has been developed to confirm the results of the turbidity plume dispersion modeling and to provide an action plan if activities result in exceedances to those specified in the regulatory permits issued by the Pennsylvania Department of Environmental Protection (PaDEP) and the US Army Corps of Engineers (COE). The Plan also includes a contingency plan should spills occur in Pennsylvania or New York waters. This monitoring plan has provisions for sampling frequency and location flexibility due to the transitionary nature of the trenching activities. Monitoring will be more intense during initial operations within each zone until sufficient data are collected to confirm that the turbidity plumes generated and dissolved oxygen depletion are within the limits predicted by the modeling results. Subsequently, based on the initial confirmatory results, it is expected that the monitoring program for the remainder of the trenching operations in each zone will be less comprehensive and more routine.

Methods

Turbidity will be measured on-site using a portable nephelometric turbidimeter, as nephelometric turbidity units (NTU). It will be calibrated in accordance with the manufacturer's requirements. A standby turbidimeter will be available in case of equipment failure. In contrast, total suspended solids (TSS) are measured gravimetrically as mg/L in an analytical laboratory based on the weight of the portion of residue in a water sample of known volume which is retained on a standard glass fiber filter dried at 103 to 105°C. A correlation between turbidity and TSS will be developed early in the monitoring program for each zone to facilitate subsequent concurrent provision of measured turbidity and estimated TSS data. Additional "check" water samples will be analyzed for turbidity and TSS throughout the monitoring period in each zone to provide ongoing confirmation of the established correlation. Similarly, turbidity in about 5% of the samples collected in each zone will be measured by the analytical laboratory to confirm the field measurements.

Water samples for turbidity and TSS analyses will be collected with a Van Dorn bottle or other suitable sampling device, with depth of water sample determined by length of cable deployed. Water samples for TSS analysis will be contained, handled and analyzed in accordance with Pennsylvania mandated procedures. All reasonable, professional efforts will be made to complete the analyses within 24

hours of sample receipt by the analytical laboratory. Total water depth at each sampling location will be determined using a navigational acoustic depth sounder.

The initial monitoring program in each zone will be more comprehensive to establish the dimensions and configuration of the generated turbidity plume, as well as to determine the relationship between TSS and turbidity values. Based on the modeling results, a "footprint" of the visible plume with appropriate TSS concentration isopleths, e.g., 10,000 mg/L, 1,000 mg/L, 500 mg/L and 35 mg/L will be plotted for each zone. Based on the "footprint", a sampling grid will be established which will overlap the predicted plume in each zone.

In order to position and space the monitoring grid accurately, current speed and direction will be measured by a submerged sail drogue prior to the initiation of trenching operations in each zone. This is simply an underwater sail attached to a floating marker at a specified depth. The sail will be suspended at mid-depth, where practical; however, the maximum depth to suspend the sail is generally on the order of 15 ft below the water surface. For those zones along the pipeline route where a hypolimnion has become established and the use of a drogue is not practical, a continuous-recording current meter will be deployed to measure current velocity and direction in the hypolimnion. The presence of a hypolimnion will be determined by dissolved oxygen monitoring (see below). Once the current speed and direction are known, then the sampling grid will be established. If the observed current speed is similar to one of the modeled scenarios, then the grid can be readily established relative to the footprint. If other conditions exist, some adjustments will be needed based on graphs relating plume length (or width) versus current speed developed prior to the monitoring program.

The sampling grid will consist of at least 20 sampling locations and water samples will be collected at 3 ft below surface, mid-depth and 3 ft above lakebed for analysis. The samples will be collected as rapidly as possible from these locations across the plume as soon as the plume appears to be established. At least one clear (non-turbid) and all visibly turbid samples collected will be analyzed for turbidity and TSS. Any remaining clear (non-turbid) samples will be analyzed for turbidity only and subsequently discarded. A minimum of 30 samples with visible turbidity must be collected to adequately define the plume and develop the TSS-turbidity relationship.

Once the plume dimensions are defined and the TSS-turbidity correlation is established, a less rigorous sampling program will then be implemented for each particular zone. As a minimum, this sampling program will consist of sampling along a single line transecting the expected plume configuration. A minimum of five sampling locations along this centerline will be established based on the findings of the initial comprehensive monitoring program. Samples will also be collected at the

ends of two transects perpendicular to the second and fourth sampling locations along the centerline to delineate the width of the plume. The locations of these four samples will be based on the findings of the initial comprehensive monitoring program for each zone. Water samples will be collected at 3 ft below surface, mid-depth and 3 ft above lakebed and analyzed for turbidity. If a major discrepancy is realized between the results of the centerline/transect and the initial comprehensive grid monitoring programs, then additional monitoring will be undertaken until the plume dimensions are adequately defined.

Dissolved oxygen and temperature monitoring will be undertaken with a portable dissolved oxygen meter with ancillary temperature recording capabilities (e.g., YSI Model 57 or equivalent). The meter should have sufficient cable to permit in situ measurement of dissolved oxygen and temperature to water depths of at least 95 ft (i.e., the maximum anticipated water depth along the pipeline route). A standby dissolved oxygen meter will be available in case of equipment failure.

The depth of sediment deposition on either side of the trench will be determined by side scan sonar and/or sub-bottom profiler as part of the geophysical survey to confirm adequate trench depth for the installed pipeline. Qualitative observations on sediment deposition will also be provided by divers deployed to monitor pipe installation.

Detailed field notes will be maintained during the sampling and monitoring programs, including weather conditions, location of trenching operations, sampling and monitoring locations, date and time of sample collection or measurement, depth of sample and total water depth at each sampling location, current speed and direction, and water sample discoloration.

Locations will be determined using Differential GPS, based on U.S. Coast Guard broadcast real-time differential corrections for the region.

Time of sample will be determined using an accurate quartz timepiece, calibrated to the National Institute of Science and Technology (NIST) master clock signal available over the Internet.

Monitoring Schedule

Monitoring will begin while trenching operations are underway and will continue until complete. Survey personnel will coordinate with the dredging contractor to determine anticipated daily work schedule. Trenching is expected to be a 24-hour operation. From a practical standpoint, turbidity monitoring, especially the initial comprehensive monitoring program, will be undertaken during daylight hours. However, at least two centerline monitoring programs will be undertaken during the night within each zone.

The extent of the visible plume will also be monitored by occasional helicopter overflight. Prior to the initiation of trenching operations in each zone, the drogue will be deployed near the anticipated trenching location with its initial and final positions determined by Differential GPS. The duration of drogue deployment will be at least 6 hours. Alternatively, a continuous-recording current meter will be deployed, where a hypolimnion has become established and the use of a drogue is not practical.

Temperature monitoring will be undertaken with water depth within each of the five zones prior to trenching to determine whether thermal stratification has occurred. If a thermocline is identified, dissolved oxygen will be monitored with depth to provide baseline concentrations in the hypolimnion. This monitoring will be undertaken at sunrise and sunset to account for any diurnal cycle in oxygen regime. In addition, if thermocline conditions are present, current velocity and direction will be measured in both the epilimnion and hypolimnion (see above).

Once a turbidity plume has become established due to trenching in each zone, dissolved oxygen and temperature profiles will be determined at a minimum of three sampling locations within the plume (near-, mid- and far-field). Monitoring will again be undertaken at sunrise and sunset. The dissolved oxygen levels within the turbidity plume will then be compared with the pre-trenching baseline data to determine if there is a measurable depletion of dissolved oxygen during trenching. If little or no oxygen depletion is evident during the first five days of trenching operations within each zone, a less rigorous monitoring program can be implemented for each particular zone. As a minimum, this program will consist of monitoring at the near-field location at sunrise and sunset.

Evaluation and Report

Since turbidity measurements can be undertaken immediately upon sample collection, the provision of raw data to PaDEP should be rapid, i.e., within 24 hours of sample collection. Raw, preliminary data will be transmitted within 24 hours of availability to PaDEP by fax or e-mail. Estimated TSS data will also be provided to PaDEP within this time frame after the initial establishment of the relationship between concurrent measurements of TSS and turbidity in each zone.

Reports analyzing the monitoring results, as well as confirming the turbidity plume modeling and oxygen depletion predictions will be submitted to the PaDEP and COE weekly. A comprehensive report will be prepared at the end of the overall monitoring program, providing all of the monitoring program results, data interpretation and conclusions. This report will be submitted to PaDEP, COE and other appropriate regulatory agencies.

Turbidity Contingency Plan

The results of the turbidity plume modeling are considered conservative and therefore it is anticipated that the dimensions of the actual plumes generated during trenching will be smaller than those predicted. In the unlikely event that the plumes are larger than those predicted, the PaDEP will be immediately apprised of the situation and the likely cause(s) of the exceedance. Additional monitoring will be undertaken over a 24-h period to confirm exceedance occurrence and continuation. During this time, the PaDEP will be consulted on the types of action to be taken to regain compliance, e.g., the appropriate mitigative measures and/or design modifications to be implemented. These could include the installation of silt screens to contain the turbidity plume within the modeling predictions and/or the implementation of modified engineering (construction) design, such as alteration of jetting rate, discharge angle, height of discharge and/or concurrent surface and bottom discharge.

Dissolved Oxygen Depletion Contingency Plan

It is also anticipated that any depletion in dissolved oxygen concentrations due to trenching operations will not be measurable. In the unlikely event that significant oxygen depletion in the hypolimnion becomes evident during sediment resuspension, the PaDEP will be immediately apprised of the situation and the likely cause(s) of the oxygen depletion. Additional monitoring will be undertaken over a 24-h period to confirm oxygen depletion occurrence and continuation. During this time, the PaDEP will be consulted on the types of action to be taken to ameliorate the oxygen regime conditions if the causal factor is attributed to the construction activities. For example, if oxygen depletion is attributed to suspended sediment discharge in the hypolimnion, the engineering (construction) design can be modified such that sediment discharge occurs at or near the water surface, i.e., in the epilimnion.

Spill Contingency Plan

There is a possibility for accidental release of small amounts of wastes and materials to the lake waters due to poor maintenance and housekeeping practices. For example, petroleum leaks could possibly develop from operating equipment and small amounts of trash and other solid and liquid wastes could possibly be blown, disposed or spilled overboard. Although the impacts of these occurrences would be negligible, proper lubrication and fuelling procedures will be followed with provisions made for leak and spill containment, and diligence will be exercised to oversee waste management practices. In case of an accidental release or spill of contaminated materials into Lake Erie (either Pennsylvania or New York waters),

the Eastern Great Lakes Area Contingency Plan developed by the U.S. Coast Guard will be followed (copy attached).